

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RAVGEN, INC.,

Plaintiff,

vs.

STRECK, INC.,

Defendant.

**4:22CV3017**

**ORDER**

Plaintiff Ravgen, Inc. served third party subpoenas on Streck, Inc., a Nebraska citizen, for litigation in Ravgen, Inc. v. Lab. Corp. of Am. Holdings, Inc., No. 20-cv-00969-ADA (W.D. Tex.) (“LabCorp Action”) and Ravgen, Inc. v. Quest Diagnostics, Inc., No. 20-cv-00972-ADA (W.D. Tex.) (“Quest Action”). Streck raised objections to the subpoenas, and Ravgen filed the above-captioned motion to compel. (Filing No. 1).

The parties have fully briefed and argued the motion. For the reasons stated on the record, (Filing No. 22),

IT IS ORDERED:

- 1) As to Plaintiff’s motion to compel, (Filing No. 1),
  - a. The request for Documents and communications concerning the Streck Experiments” (Category A) is denied because based on Streck’s briefing and arguments, Natera, Inc. and NSTX, Inc. may be asserting work product protection as to the requested documents, (see Ravgen, Inc. v. Natera, Inc. et al., 1:20-cv-00692-LY (W.D. Tex.), but they were not given notice of the hearing before this court.
  - b. As to Ravgen’s requests for “Documents and communications concerning studies related to the effects of IDU, formaldehyde and/or formalin on cells and cell lysis in the Streck Tubes by former Streck employees M. Rohan Fernando, Brad Hunsley, and/or Wayne

Ryan,” (Category B); “Documents and communications concerning the role and function of allantoin in the Streck Tubes, and whether allantoin inhibits cell lysis,” (Category C); and “FDA information concerning the composition of the Streck Tubes and the effects of the Streck Tube’s reagent on cells and cell lysis,” (Category D), Streck shall provide an affidavit as stated on the record and after it does so, it is not required to produce further responsive documents.

c. As to Requests for “ESI, including email, from five custodians (M. Rohan Fernando, Brad Hunsley, Wayne Ryan, Sheila Norton, and Gary Krzyanowski) responsive to the following search terms . . . (formaldehyde OR formalin OR allantoin OR !aldehyde OR IDU OR “imidazolidinyl urea”) AND (BCT OR reagent OR “cell-free” or “cellfree” OR “cfDNA” OR “cffDNA” OR “blood collection”) AND ((cell /5 lys!) OR (membrane /5 stabiliz!) OR cross-link! OR crosslink!),” (Category E), the motion is denied without prejudice to reasserting, if necessary, after the parties have conferred in good faith to refine the search terms and thereby limit the breadth and associated burden of the document search requested.

- 2) Ravgen’s motion for an expedited ruling, (Filing No. 22), is denied as moot.

Dated this 25th day of February, 2022.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge